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**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:10-cv-00871-RMC**

MARSHALL v. FEDERAL BUREAU OF INVESTIGATION
Assigned to: Judge Rosemary M. Collyer
Cause: 05:552 Freedom of Information Act

Date Filed: 05/26/2010
Date Terminated: 08/10/2011
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

ERIC JOSEPH MARSHALL

represented by **ERIC JOSEPH MARSHALL**
R28490-034
POLLOCK
U.S. PENITENTIARY
Inmate Mail/Parcels
P.O. BOX 2099
POLLOCK, LA 71467
PRO SE

V.

Defendant

**FEDERAL BUREAU OF
INVESTIGATION**

represented by **Josh Hildreth**
U.S. ATTORNEY'S OFFICE
555 Fourth Street, NW
Washington, DC 20530
(202) 305-9927
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Blanche L. Bruce
U.S. ATTORNEY'S OFFICE
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TERMINATED: 10/09/2010

Jonathan Lee Kaplan
U.S. ATTORNEY'S OFFICE FOR THE
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TERMINATED: 03/29/2011

Date Filed	#	Docket Text
05/26/2010	<u>1</u>	COMPLAINT against FEDERAL BUREAU OF INVESTIGATION (Filing fee \$ 0.00) filed by ERIC JOSEPH MARSHALL. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Civil Cover Sheet)(rdj) (Entered: 05/26/2010)
05/26/2010	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by ERIC JOSEPH MARSHALL (rdj) (Entered: 05/26/2010)
05/26/2010	<u>3</u>	PRISONER TRUST FUND ACCOUNT STATEMENT for period of six months by ERIC JOSEPH MARSHALL (rdj) (Entered: 05/26/2010)
05/26/2010	<u>4</u>	ORDER directing an initial partial filing fee in the amount of \$26.60 be made from Prison Account of ERIC JOSEPH MARSHALL ; further ordered, granting <u>2</u> MOTION for Leave to Proceed in forma pauperis (See Order for full details). Signed by Judge Ellen S. Huvelle on May 10, 2010. (rdj) (Entered: 05/26/2010)
05/26/2010		SUMMONS (3) Issued as to FEDERAL BUREAU OF INVESTIGATION, U.S. Attorney and U.S. Attorney General (rdj) (Entered: 05/26/2010)
06/30/2010	<u>5</u>	SUMMONS Returned Executed as to the US Attorney served on 6/30/2010, answer due 7/30/2010. (rdj) (Entered: 07/01/2010)

07/01/2010	6	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on Attorney General. Date of Service Upon Attorney General July 1, 2010. (rdj) (Entered: 07/02/2010)
07/15/2010	7	NOTICE of Appearance by Blanche L. Bruce on behalf of FEDERAL BUREAU OF INVESTIGATION (Bruce, Blanche) (Entered: 07/15/2010)
07/15/2010	8	MOTION for Extension of Time to <i>Respond to Complaint</i> by FEDERAL BUREAU OF INVESTIGATION (Attachments: # 1 Text of Proposed Order)(Bruce, Blanche) (Entered: 07/15/2010)
07/16/2010		MINUTE ORDER granting 8 Defendant's Motion for Extension of Time. Defendant shall answer or otherwise respond to the Complaint no later than August 31, 2010. Signed by Judge Rosemary M. Collyer on 7/16/10. (KD) (Entered: 07/16/2010)
07/16/2010		Set/Reset Deadlines/Hearings: Answer to complaint due by 8/31/2010. (cdw) (Entered: 07/19/2010)
08/31/2010	9	ANSWER to 1 Complaint by FEDERAL BUREAU OF INVESTIGATION.(Bruce, Blanche) (Entered: 08/31/2010)
09/01/2010		MINUTE ORDER requiring Defendant to file a proposed dispositive motion briefing schedule no later than September 15, 2010. Signed by Judge Rosemary M. Collyer on 9/1/10. (KD) (Entered: 09/01/2010)
09/10/2010	10	NOTICE of Defendant's Proposed Dispositive Motion Briefing Schedule by FEDERAL BUREAU OF INVESTIGATION (Attachments: # 1 Text of Proposed Order)(Bruce, Blanche) (Entered: 09/10/2010)
09/10/2010		MINUTE ORDER requiring Defendant to file a dispositive motion no later than October 25, 2010; Plaintiff shall file an opposition no later than December 13, 2010, and Defendant may file a reply no later than January 4, 2011. Signed by Judge Rosemary M. Collyer on 9/10/10. (KD) (Entered: 09/10/2010)
09/17/2010	11	NOTICE of Proposed Dispositive Motion Briefing Schedule by ERIC JOSEPH MARSHALL (rdj) (Entered: 09/21/2010)
09/22/2010		VACATED PURSUANT TO MINUTE ORDER FILED 9/22/10.....MINUTE ORDER setting dispositive motion briefing schedule: Defendant's dispositive motion is due no later than October 25, 2010; Plaintiff shall file a response no later than December 6, 2010; and Defendant may file a reply no later than January 4, 2011. Signed by Judge Rosemary M. Collyer on 9/22/10. (KD) Modified on 9/22/2010 (rdj). (Entered: 09/22/2010)

09/22/2010		MINUTE ORDER vacating minute order filed September 22, 2010, due to clerical error. The dispositive motion briefing schedule on Plaintiff's dispositive motion is as follows: Plaintiff shall file a dispositive motion no later than October 25, 2010; Defendant shall file a response no later than December 13, 2010; Plaintiff may file a reply no later than January 4, 2011. Signed by Judge Rosemary M. Collyer on 9/22/2010. (KD) (Entered: 09/22/2010)
09/22/2010		Set/Reset Deadlines/Hearings: Plaintiff's Dispositive Motion due by 10/25/2010. Defendant's Response to Dispositive Motions due by 12/13/2010. Plaintiff's Reply to Dispositive Motions due by 1/4/2011. (cdw) (Entered: 09/23/2010)
10/06/2010	<u>1</u> <u>2</u>	Amended REQUEST for Production of Documents by ERIC JOSEPH MARSHALL."Let this be filed" by Judge RM Collyer on 10/6/2010(rdj) (Entered: 10/07/2010)
10/09/2010	<u>1</u> <u>3</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Jonathan Lee Kaplan on behalf of All Defendants Substituting for attorney Blanche L. Bruce (Kaplan, Jonathan) (Entered: 10/09/2010)
10/18/2010	<u>1</u> <u>4</u>	Memorandum in opposition to re <u>12</u> Amended REQUEST for Production of Documents filed by FEDERAL BUREAU OF INVESTIGATION. (Attachments: # <u>1</u> Text of Proposed Order)(Kaplan, Jonathan) Modified on 10/19/2010 to correct linkage (rdj). (Entered: 10/18/2010)
10/20/2010	<u>1</u> <u>5</u>	MOTION to Compel Production of Documents by ERIC JOSEPH MARSHALL (rdj) (Entered: 10/21/2010)
10/22/2010	<u>1</u> <u>6</u>	STRICKEN PURSUANT TO ORDER FILED 02/01/2011.....MOTION for Summary Judgment by ERIC JOSEPH MARSHALL (rdj) Modified on 2/3/2011 (rdj). (Entered: 10/25/2010)
10/22/2010	<u>1</u> <u>7</u>	Judicial NOTICE of Adjudicative Facts by ERIC JOSEPH MARSHALL (rdj) (Entered: 10/25/2010)
10/29/2010	<u>1</u> <u>8</u>	REPLY re <u>12</u> Request for Production of Documents filed by ERIC JOSEPH MARSHALL. (Attachments: # <u>1</u> Exhibit)(rdj) (Entered: 11/02/2010)
11/04/2010	<u>1</u> <u>9</u>	ORDER denying <u>12</u> Plaintiff's amended request for production of documents; denying <u>15</u> Plaintiff's motion to compel production of documents; and denying without prejudice <u>14</u> Defendant's motion for protective order. Signed by Judge Rosemary M. Collyer on 11/4/10. (KD) (Entered: 11/04/2010)
11/04/2010	<u>2</u> <u>0</u>	ORDER requiring Defendant to file a motion for leave to late file dispositive motion, together with proposed dispositive motion, no later than November 19, 2010. Signed by Judge Rosemary M. Collyer on 11/4/10. (KD) (Entered: 11/04/2010)

11/04/2010		Set/Reset Deadlines/Hearings: Motion for leave due by 11/19/2010. Proposed Dispositive Motion due by 11/19/2010. (cdw) (Entered: 11/05/2010)
11/08/2010	2 1	RESPONSE re 17 to Plaintiff's Motion for Judicial Notice of Adjudicative Facts filed by FEDERAL BUREAU OF INVESTIGATION. (Kaplan, Jonathan) Modified on 11/8/2010 to add linkage (rdj). (Entered: 11/08/2010)
11/09/2010	2 2	MOTION for Leave to File by FEDERAL BUREAU OF INVESTIGATION (Attachments: # 1 Memorandum in Support, # 2 Text of Proposed Order)(Kaplan, Jonathan) (Entered: 11/09/2010)
11/15/2010		MINUTE ORDER granting 22 Defendant's Motion for Leave to File dispositive motion out of time. Defendant shall file a dispositive motion no later than November 19, 2010; Plaintiff shall file a response no later than January 4, 2011; and Defendant may file a reply no later than January 25, 2011. The schedule for the response and reply to Plaintiff's dispositive motion 16 remains the same: Defendant's response is due December 13, 2010; and Plaintiff may file a reply in support of his motion for summary judgment no later than January 4, 2011. Signed by Judge Rosemary M. Collyer on 11/15/10. (KD) (Entered: 11/15/2010)
11/15/2010		Set/Reset Deadlines/Hearings: Defendant's Dispositive Motion due by 11/19/2010. Response to Dispositive Motion due by 1/4/2011. Reply to Dispositive Motion due by 1/25/2011. Response to 16 due by 12/13/2010. Reply to 16 due by 1/4/2011. (cdw) (Entered: 11/15/2010)
11/18/2010	2 3	MOTION for Summary Judgment by FEDERAL BUREAU OF INVESTIGATION (Attachments: # 1 Statement of Facts, # 2 Declaration, # 3 Exhibit Exhibits A-L, # 4 Exhibit Exhibits M-T, # 5 Memorandum in Support, # 6 Text of Proposed Order) (Kaplan, Jonathan) (Entered: 11/18/2010)
11/24/2010	2 4	REPLY re 17 Notice (Other) filed by ERIC JOSEPH MARSHALL. (rdj) (Entered: 11/29/2010)
12/07/2010	2 5	Memorandum in opposition to re 16 MOTION for Summary Judgment filed by FEDERAL BUREAU OF INVESTIGATION. (Kaplan, Jonathan) Modified on 2/3/2011 (rdj).(PURSUANT TO ORDER FILED 02/01/2011...deemed to be a reply to 23) (Entered: 12/07/2010)
01/03/2011	2 6	Cross MOTION for Summary Judgment by ERIC JOSEPH MARSHALL "Let this be filed" by Judge RM Collyer. (rdj) Modified on 1/7/2011 (rdj). Modified on 2/3/2011 (rdj).(PURSUANT TO ORDER FILED 02/01/2011...deemed to be a response to 23) (Entered: 01/06/2011)

01/07/2011		MINUTE ORDER striking 26 Plaintiff's second Motion for Summary Judgment. By the Minute Order of November 15, 2010, the Court ordered Plaintiff to respond to 23 Defendant's Motion for Summary Judgment. Instead of filing a memorandum in opposition, Plaintiff filed his 26 Cross Motion for Summary Judgment, even though his original 16 Motion for Summary Judgment was, and is, still pending. The Court will therefore strike 26 Plaintiff's Cross Motion for Summary Judgment and extend the time for Plaintiff to file an opposition to 23 Defendant's Motion for Summary Judgment. Plaintiff shall file such opposition on or before February 4, 2011. If Plaintiff also wishes to file a motion for summary judgment that differs from his pending motion, he must seek leave of court to amend his pending motion per Federal Rule of Civil Procedure 15(a)(2). Signed by Judge Rosemary M. Collyer on 1/7/11. (KD) (Entered: 01/07/2011)
01/07/2011		MINUTE ORDER amending prior Minute Order dated January 7, 2011, as follows: Because Plaintiff is incarcerated, he may need more time to response to the motion for summary judgment. Thus, Plaintiff shall file his response to 23 Defendant's motion for summary judgment no later than February 18, 2011. Signed by Judge Rosemary M. Collyer on 1/7/11. (KD) (Entered: 01/07/2011)
01/27/2011	2 7	MOTION to Amend/Correct 26 Cross MOTION for Summary Judgment, MOTION to Strike 16 MOTION for Summary Judgment by ERIC JOSEPH MARSHALL (rdj) (Entered: 01/31/2011)
02/01/2011	2 8	ORDER striking 16 Motion for Summary Judgment; granting 27 Plaintiff's Motion to Amend/Correct; vacating in part the January 7, 2011 Minute Order; and reinstating 26 Plaintiff's cross motion for summary judgment. Plaintiff's cross motion 26 is deemed to be a response to 23 Defendant's motion for summary judgment. Defendant's opposition 25 is deemed to be a reply in support of 23 Defendant's motion for summary judgment. This matter is ripe and ready for the Court's review. Signed by Judge Rosemary M. Collyer on 2/1/2011. (KD) (Entered: 02/01/2011)
02/09/2011	2 9	NOTICE of Filing by FEDERAL BUREAU OF INVESTIGATION (Attachments: # 1 Exhibit)(Kaplan, Jonathan) (Entered: 02/09/2011)
03/02/2011		Leave to File Denied by Judge RM Collyer on 3/2/2011. Amended Motion for "Cross Motion for Summary Judgment", "Leave to file DENIED, Identical to Dkt #26" (rdj) (Entered: 03/03/2011)
03/09/2011	3 0	NOTICE of Filing by FEDERAL BUREAU OF INVESTIGATION (Kaplan, Jonathan) (Entered: 03/09/2011)
03/29/2011	3 1	NOTICE OF SUBSTITUTION OF COUNSEL by Josh Hildreth on behalf of FEDERAL BUREAU OF INVESTIGATION Substituting for attorney Jonathan Kaplan (Hildreth, Josh) (Entered: 03/29/2011)
08/10/2011	3	MEMORANDUM AND OPINION. Signed by Judge Rosemary M. Collyer on 8/10/2011. (KD) (Entered: 08/10/2011)

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08/10/2011	3 3	ORDER granting 17 Plaintiff's motion for judicial notice; granting 23 Defendant's Motion for Summary Judgment; and denying 26 Plaintiff's cross motion for summary judgment. This case is dismissed and closed. Signed by Judge Rosemary M. Collyer on 8/10/2011. (KD) (Entered: 08/10/2011)

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